



CLIFFORD M. GREENE
DIRECT DIAL NO. (612) 373-8341
CGREENE@GREENEESPEL.COM

October 8, 2009

VIA ELECTRONIC FILING

Honorable Freda L. Wolfson, U.S.D.J.
United States District Court
Clarkson S. Fisher Federal Building
and U.S. Courthouse
402 East State Street, Room 5050
Trenton, New Jersey 08608

Re: *Graco v. PMC: Request for Hearing on Graco's Motion for Preliminary Injunction*
Court File No. 3:08-cv-01394 (FLW/DEA)
Our File No. 2942-0003

Dear Judge Wolfson:

In his October 7, 2009 letter to the Court, Counsel for Gama, the PMC Defendants, and Denis Commette revealed new information that supports Graco's motion for preliminary injunction. This information had not previously been disclosed in this litigation, despite Defendants' duty to supplement under Rule 26(e), and it presents new exigencies that Graco cannot ignore. Graco therefore requests oral argument on its motion for preliminary injunction.

Among other things, Mr. Bloch's letter reveals the following:

- Gama USA is now manufacturing products *in this District* that are similar to legacy Gusmer products that Graco purchased the right to manufacture.
- Gama USA is advertising its products as "updates" to "iconic" Gusmer products that Graco purchased the right to manufacture from the PMC Defendants.
- Counsel contends that Gama USA's press release touts only its employees' experience in the industry. In fact, the release says that one "feature" of "every Gama Proportioning Unit" is "[m]ore than 20 years experience in the urethane industry." It makes *no reference* to the experience of Gama USA's employees.
- Gama USA is no longer a distributor of goods manufactured by Garraf Maquinaria, S.A.

Judge Wolfson
October 8, 2009
Page 2

At a minimum, these admissions implicate the Lanham Act and good faith and fair dealing claims that are the subject of Graco's pending motion for preliminary injunction. Graco therefore respectfully requests that the Court hear oral argument on Graco's motion for preliminary injunction at its earliest convenience.

Very truly yours,



Clifford M. Greene

CMG

c: Honorable Douglas E. Arpert
David S. Bloch (via email)
William H. Trousdale (via email)
Brian M. English (via email)
Steven M. Kaplan (via email)